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Paper Number #45

In re application of :  
Stephen B. Auger :  
Serial No. 08/865,419 :  
Filed: May 28, 1997 :  
For: MINERAL STAINS FOR WOOD AND OTHER SUBSTRATES:

DECISION ON  
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed June 5, 2003 by facsimile transmission. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 6, 2003, be withdrawn since the applicant did timely file a response with the proper extension of time on April 23, 2003.

**DECISION**

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that the applicant's response was properly filed on April 23, 2003 as evidenced by the copy of the date-stamped postcard receipt attached to the instant petition indicating receipt of the response and appropriate fee on April 23, 2003 and in view of the fact that the originally filed papers having a USPTO date stamp of April 23, 2003 affixed thereto, have been located in the instant application file. Accordingly, the Notice of Abandonment of May 6, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers filed April 23, 2003.

The Petition is **GRANTED**.

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